

REMARKS

Claims 46-49, 51, 54-58, 61, 70-73 and 76-78 are pending. Reconsideration and allowance is respectfully requested.

35 U.S.C. § 103 Rejection

Claims 46-49, 51, 54-58, 61, 70-73 and 76-78 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0078036 to Chang et al. in view of U.S. Patent No. 6,832,242 to Keskar et al. Applicants respectfully traverse this rejection.

Chang does not disclose each and every element of the claims. In general, Chang does not contemplate a process involving two users suggesting Chang's application is not analogous to the present claims. Applicants respectfully submit that elements within Chang are being cited with little regard to the context of the elements in the process.

First, Chang does not disclose "demarking files on a first portable computer system by a first user, the demarking indicating that the demarked files are available for downloading by a second portable computer system by a second user, wherein the files are executable files."

The examiner states

The database in Chang includes at least one wireless communication protocol, at least one driver and at least one application program [paragraph 0020]. The driver and application program in the database are executable files. In step 81, the user sets that the database 12 needs to be transferred [paragraph 0075] and in step 83, the contents of the database 12 are sent [paragraph 0077]. When the user sets the database for transfer, the executable files in the database are demarked for transfer. The contents of the database 12, which includes executable files driver and application program are selected in step 81 and transferred in step 83. Office Action, 12/9/09, p. 3.

However, this misses the point. There is no second user within Chang. The fact that a user setting exists indicating that something "needs to be transferred" clearly indicates that Chang discloses a completely different process with differing goals. If the database, with application files or not, "needs" to be transferred, a decision has already been made to download the files. There is no step between the user setting that the database needs to be transferred and transferring the files that involves a second user determining if the files are wanted for transfer.

While the elements may appear the same, they describe two completely different processes. The limitations of the second user and the reason why the files have been demarked are completely ignored.

Chang unequivocally discloses a method wherein one device automatically detects the parameters of another device so that proper configuration files and software drivers may be transferred. A second user does not choose any driver or application files to transfer. Rather the process happens without user involvement. See e.g., para. [0059].

Second, the examiner states “Chang teaches storing functional information and installing information of the application program [paragraph 0020] and the information is transmitted when the contents of the device are transmitted [paragraph 0075 and 0077].” Office Action, 12/9/09, p. 3. This is not summary information that gets displayed to a second user so that that user may make a decision whether to download the software. The functional and installing information is used to determine the correct file to download and instructions as to how to install the program on the second device. See, e.g., para [0059]. Moreover, even if this information is considered descriptive information, the claims recite transferring this information before the actual executable files, so that a second user can determine whether they want the files to be downloaded. The examiner admits above that the information is transmitted when the contents of the device are transmitted.

As stated in the previous response to office action, the examiner’s citation of paragraphs 0009 and 0019] are devoid of any summary information being transferred between the master and remote wireless device. These paragraphs disclose “resource and environment parameters” so that a connection between the devices may be established. Additionally, once the connection is established “[t]he remote wireless device sends the driver program or the application program to the master device for installing the driver program and the application program to the master device.” Para. [0009]. This also is certainly not summary information, but the actual driver or application program. Thus, none of the information cited above can qualify as summary information as the claims recite.

Chang simply is not analogous to the present claims. The present invention as claimed is directed towards one user informing another user of the executable files available on the first user’s portable computer system to be downloaded to the second user’s portable computer

system. Chang discloses no second user. Chang's transfer is automatically completed with little input from any user as it is designed. See e.g., para. [0005]. Chang's method is antithetical to the purpose of the present invention claimed.

Keskar does not cure Chang's deficiencies. Keskar was cited as disclosing sharing between handheld devices. However, Keskar's disclosure is generic. While a user may indicate a wish to share a relevant item, the information that is transferred is the intent to share not information regarding the item. The examiner states

The intent to share the relevant item along with the sender's user information corresponds to the claimed summary information. Examiner notes that the intent to share and the sender's user identification does not include the actual shareable item because the shareable item is subsequently beamed to the recipient after further determination [In block P750, if it is determined that the sender has similar interests as the recipient, the handheld device of the recipient accepts the beamed relevant item, which may, for example, be already stored in a buffer area of the handheld device or subsequently beamed to the recipient; col. 13, lines 43 – 54, emphasis added. Office Action 12/9/09, p. 4.

Applicants respectfully disagree. The whole purpose of Keskar's invention is to enable sharing based on relevance scores. See e.g., Abstract. An intent to share is no more than indicating an intent a "relevant item." This intent does not describe the item. Once the recipient's HAS determines that an intent to send an item exists, a look up to a database is made to determine if the sender has similar interests to the recipient. This is not summary information of the actual file, this information is part of a grander scheme to share unknown files based on interest profiles and relevance scores. See e.g., Figure 7 and col. 13, lines 20 – 54.

Lastly, the examiner states

One of ordinary skill in the art would have been motivated to make the combination because this gives the recipient an opportunity to determine whether they want to accept the sharable item prior to the transferring of the shareable item. This reduces the amount of data transferred if the recipient refuses the shareable item. Office Action, 12/9/09, p. 8.

However, the combination of Keskar defeats the purpose and changes the operation of Chang. Chang discloses automatically distributing software without user involvement and certainly without involvement of a second user. There is no recipient in Chang to give an opportunity to determine whether to accept a sharable item. There is no mention in Chang that this is an issue. Any such motivation to combine comes from the Applicants' disclosure.

As such, Chang and Keskar, alone or in combination, do not teach or suggest the present claims. Accordingly, Applicants respectfully request withdrawal of this rejection.

Conclusion

All rejections have been addressed. In the event there are still outstanding issues, the undersigned requests the Examiner to resolve them by telephone in order to expedite allowance of this application. Reconsideration and allowance of this application is respectfully requested.

Respectfully submitted,

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